

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.3997 OF 2006

Dr.Ambedkar Memorial Shikshan Mandal
& Ors. ...Petitioners.
V/s.
The State of Maharashtra & Ors. ...Respondents.

Shri N.V.Bandiwadekar for the Petitioners.
Shri R.D.Rane, G.P. for the Respondent No.1.
Shri S.D.Thorat for Respondent No.2.
Shri Yogesh M. Nakhwa for Respondent No.3.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 5th December, 2006.

P.C.:

1. Heard Mr.Bandiwadekar, the learned counsel appearing for the petitioners. Petitioner no.1 is the society and petitioner no.2 is the primary school and the petitioner no.3 is the teacher for whose benefit, this petition has been moved.

2. He claims to be appointed as an Assistant Teacher in June, 1995. Though he had the qualifications of B.A.,B.Ed., a full bench of this Court held that B.Ed. is not the required qualification for primary school teacher and such teacher must possess D.Ed. qualification and, therefore, the petitioner no.3 joined the D.Ed. course and completed it in December, 2003. Obviously, his seniority will be counted only after he

acquired D.Ed. qualification and the petitioners' claim that the petitioner no.3 has been in continuous service under the petitioner no.2-school but as a surplus teacher.

3. In the meanwhile, the respondent no.3 was absorbed in the academic year in 1999 as a surplus teacher under the petitioner no.2-school and he has been continued during the last about 7 years.

4. Limited prayer in this petition is for directions for the absorption of the petitioner no.3 either under the petitioner no.2-school or any other school. Mr.Thorat, the learned counsel appearing on behalf of the respondent no.2, i.e., Zilla Parishad submitted that this petition itself could be treated as representation by the petitioner no.3 and the petitioner nos.2 and 3 will be heard and appropriate order will be passed regarding the absorption of petitioner no.3 within a period of six weeks by the respondent no.2.

5. We note down the said statement and direct the respondent no.2 to hear the petitioner nos.2 and 3 and pass an appropriate order regarding the absorption of petitioner no.3 within a period of two months from today.

6. The petition stands disposed off in terms of the above directions.

(J.H.BHATIA, J.)

(B.H.MARLAPALLE, J.)